

Message Text

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ACTION EPA-04

INFO OCT-01 NEA-10 ISO-00 OES-06 FSE-00 ABF-01 SSO-00 /022 W
-----301437Z 032548 /43

O 301420Z DEC 76
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC IMMEDIATE 5356

UNCLAS TUNIS 9103

FOR ENVIRONMENTAL PROTECTION AGENCY

E.O. 11652: N/A
TAGS: TPHY, SENV, OSCI, TS
SUBJECT: EPA/SFCP: EUTROPHICATION OF LAKE OF TUNIS, 7-522-1

REF: STATE 312107

1. SEVERANCE PAY ISSUE RAISED UPON TERMINATION OF
SMITHSONIAN'S MEDITERRANEAN MARINE SORTING CENTER (MMSC)
PROJECT WHICH HAD BEEN ACTIVE FOR TEN YEARS, ALSO IN
COLLABORATION WITH INSTOP. AFTER CAREFUL CONSIDERATION,
IT WAS AGREED TO GRANT ALL MMSC EMPLOYEES SEVERANCE PAY
IN ACCORDANCE WITH TUNISIAN LAW (PARA 3 BELOW). SMI POSITION
(SUPPORTED BY EMBASSY) WAS THAT SEVERANCE PAY NOT LEGALLY
REQUIRED SINCE ALL EMPLOYEES WERE ON ANNUAL CONTRACTS
FOR A TEMPORARY PROJECT SUBJECT TO CONGRESSIONAL
APPROPRIATION OF FUNDS. TEMPORARY NATURE OF PROJECT
HAS BEEN UPHELD IN TUNISIAN COURT SYSTEM AS RESULT CASE
BROUGHT AGAINST SMI BY FORMER MMSC EMPLOYEE. FYI -
EMPLOYEE NOW ATTEMPTING APPEAL TO SUPREME COURT (COUR DE
CASSATION). END FYI.

2. ASSUME EPA PROJECT TUNISIAN EMPLOYEES ARE AWARE OF
MMSC SETTLEMENT AND THUS HAVE CLAIMED SAME BENEFITS FOR
THEMSELVES. ASSUME ALSO ALL SUCH EMPLOYEES WERE ON TEMPORARY
CONTRACTS AND HAVE BEEN WITH PROJECT FOR RELATIVELY SHORT
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TIME. GIVEN PRECEDENT, AND DESPITE POSSIBLE LEGAL
ARGUMENTS TO CONTRARY, EMBASSY RECOMMENDS THAT EPA PROVIDE
SEVERANCE PAY TO ALL PROJECT EMPLOYEES WHO WORKED FULL
TIME ON PROJECT AND WHO ARE NOT REGULAR PERMANENT EMPLOYEES
OF INSTOP.

3. A. SEVERANCE PAY UNDER TUNISIAN LAW:

TIME EMPLOYED SEVERANCE PAY

1 TO 3 MONTHS 3 DAYS SALARY

3 TO 6 MONTHS 7 DAYS SALARY

6 MONTHS TO 1 YEAR 15 DAYS SALARY

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V 15 DAYS SALARY

MAXIMUM SEVERANCE PAY 90 DAYS SALARY

B. EMBASSY SCHEDULE IS SIMILAR WITH EXCEPTIONS THAT
MATWOUM PAYMENT IS ONE YEAR'S SALARY, AND EMPLOYEE
NOT ELIGIBLE UNTIL ONE YEAR OF SERVICE.

4. EPA MAY WISH CONSULT BMI GENERAL COUNSEL ROBINSON ON
THIS QUESTION.

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